

Notice of Allowability

Application No.

09/863,794

Applicant(s)

KRUPA, KENNETH A.

Examiner

Kuen S Lu

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/18/2004.
2. ☒ The allowed claim(s) is/are 7-25.
3. ☒ The drawings filed on 1/4/2002, 4/8/2004 and 11/18/2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. This communication is responsive to the Patent Application Amendments filed on November 18, 2004. The Amendments are considered.
2. After a search and a thorough examination of the present Application and in light of the prior arts searched and investigated from different domains, Claims 7-25 are allowed.

Reason for Allowable

3. The following is the Examiner's statement of reasons for allowance:

In the Examiner's Office Action for Final Rejection of June 21, 2004, U.S.C. § 102, 103 and 112, first paragraph, rejections was mainly based on references Dodds et al. (U.S. Publication 2002/0116371, "**System and Method for the Storage, Indexing and Retrieval of XML Documents Using Relation Databases**", hereafter "Dodds") and Chau et al. (U.S. Publication 20020123993, "**XML Document Processing**", hereafter "Chau"). Based on a telephone interview conducted on November 10, 2004, the Applicants filed Amendments on November 18, 2004, argued that the Examiner's final rejection for claims 7 and 17-18, wherein "identifying a node" the OrderPath of the Dodds reference teaches is not the same as "identifies the XML document against another XML document" of the Applicant's application. The Applicant further argued that the Examiner's interpretation of "increment" including negative increment to reject claims 13 and 16 because of lack of enablement is broad.

During the telephone interview, conducted on November 10, 2004, the Applicant and the Examiner reached an agreement that the Applicant amend the limitation "assigning

an identifier to every node of the XML document” to “assigning an identifier to every node of the XML document, wherein the identifier identifies the XML document against another XML document” to claims 7 and 17-18 to overcome the Examiner’s 35 U.S.C. § 102 rejections as set forth in the Office Action for Final Rejection, dated June 21, 2004, and adding a new limitation to claims 13 and 16, in order to overcome the Examiner’s 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 103 rejections as set forth in the Office Action for Final Rejection, dated June 21, 2004.

It was further understanding between the Applicant and the Examiner that due to the fact the subject matter of “identifier to each node of the XML document” has been previously presented in the Amendments filed on April 8, 2004 that a further thorough search on the subject matter would not be required.

In order to comply with the agreement reached during the telephone interview conducted on November 10, 2004, the Applicants filed Amendments wherein the Amendments to claims 7 and 17-18, the Applicant amended the limitation “assigning an identifier to every node of the XML document” to “assigning an identifier to every node of the XML document, wherein the identifier identifies the XML document against another XML document” to overcome the Examiner’s 35 U.S.C. § 102 rejections as set forth in the Office Action for Final Rejection, dated June 21, 2004.

Furthermore, the Applicant added a limitation “incrementing the sequence identifier subsequent to creating the row of the relational database” to claims 13 and 16, in order to overcome the Examiner’s 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 103 rejections as set forth in the Office Action for Final Rejection, dated June 21, 2004.

Based on further reviewing the above consideration and an update search conducted as described below, the Amendment filed on November 18, 2004, is hereby considered and accepted.

The prior arts in domains (EAST, NPL-ACM, Google, NPL-IEEE, etc) searches have been updated. The Examiner further lists two more references which teach some, but not all, limitations of each of the independent claims 7 and 17-18 and dependent claims 13 and 16.

H) Hyman et al: "EXTENSION OF PARSABLE STRUCTURES", U.S. Patent 6,446,256, issued September 3, 2002, Application filed June 30, 1999.

I) Lenmon: "LINKING METADATA WITH A TIME-SEQUENTIAL DIGITAL SIGNAL", U.S. Patent 6,711,590, issued March 23, 2004, Application filed June 11, 1999.

The prior arts searched and investigated in domains (EAST, NPL-ACM, Google, NPL-IEEE, etc) do not fairly teach or suggest the teaching of limitations of each of the independent Claims 13 and 17-18, which are stated below.

7. (Currently amended) A method of forming a relational database from an Extensible Markup Language (XML) document formed of a plurality of nodes, the method comprising:
assigning an identifier to every node of the XML document, wherein the identifier identifies the XML document against another XML document;

assigning a respective sequence identifier to each node of the XML document, wherein said respective sequence identifiers identify an order of the nodes in the XML document; and
converting each node of the XML document into a respective row of the relational database.

17. (Currently amended) A method of forming a relational database from an Extensible Markup Language (XML) document formed of a plurality of nodes, the method comprising:

assigning an identifier to the XML document, wherein the identifier identifies the XML document against another XML document; and
creating a row of the relational database that includes the identifier, and a content of one of the plurality of nodes.

18. (Currently amended) A relational database comprising:

a database that includes a row containing, content from a node of an Extensible Markup Language (XML) document, wherein the row includes an XML document identifier that identifies the XML document against another XML document.

Claims 8-16 and 19-25 are dependent on the Claims 13 and 18, respectively, and also distinct from the prior arts for the same reason.

4. Any comments considered necessary by Applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 2167

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusions

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is 571-272-4114. The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Kuen S. Lu


Patent Examiner

February 10, 2005



Luke Wassum

Primary Examiner

February 10, 2005